



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,234	10/16/2003	Van Hoa Lee	AUS920030325US1	9433
35525	7590	06/19/2006	EXAMINER	
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			RAHMAN, FAHMIDA	
			ART UNIT	PAPER NUMBER
			2116	

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/687,234	LEE, VAN HOA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Fahmida Rahman	2116	

All participants (applicant, applicant's representative, PTO personnel):

(1) Fahmida Rahman. (3) \_\_\_\_\_

(2) Betty Formby. (4) \_\_\_\_\_

Date of Interview: 09 June 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: 1-24 and possible new claim.

Identification of prior art discussed: Zimmer et al (US 2004/0103272).

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant and Examiner discussed about the possible amendment that can be used to overcome the cited prior art. Examiner did not make any commitment about allowability, since amendment requires further search. However, Examiner agree that such amendment overcomes the cited art.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

  
**LYNNE H. BROWNE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Fahmida Rahman  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

A suggested amendment sent to the Examiner is attached.

**Yee &  
Associates, P.C.**

4100 Alpha Road  
Suite 1100  
Dallas, Texas 75244

Main No. (972) 385-8777  
Facsimile (972) 385-7766

## FACSIMILE COVER SHEET

To: Commissioner for Patents for Examiner Fahmida Rahman Group Art Unit 2116	Facsimile No. 571/273-8159
From: Stephanie Fay Legal Assistant to Betty Formby	No. of Pages Including Cover Sheet: 4
Enclosed herewith: <ul style="list-style-type: none"><li>• Applicant Initiated Interview Request Form (PTOL-413A); and</li><li>• Agenda for Telephone Interview.</li></ul>	
Re: Application Serial No. 10/687,234 Attorney Docket No. AUS920030325US1	
Date: Thursday, June 08, 2006	
Please contact us at (972) 385-8777 if you do not receive all pages indicated above or experience any difficulty in receiving this facsimile.	<i>This Facsimile is intended only for the use of the addressee and, if the addressee is a client or their agent, contains privileged and confidential information. If you are not the intended recipient of this facsimile, you have received this facsimile inadvertently and in error. Any review, dissemination, distribution, or copying is strictly prohibited. If you received this facsimile in error, please notify us by telephone and return the facsimile to us immediately.</i>

**PLEASE CONFIRM RECEIPT OF THIS TRANSMISSION BY  
FAXING A CONFIRMATION TO 972-385-7766.**

PTOL-413A (09-04)  
 Approved for use through 07/31/2006, OMB 0851-0031  
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

### Applicant Initiated Interview Request Form

Application No.: 10/687,234 First Named Applicant: Lee  
 Examiner: Fahmida Rahman Art Unit: 2116 Status of Application: Office Action

**Tentative Participants:**

(1) Betty Formby (2) Fahmida Rahman  
 (3) \_\_\_\_\_ (4) \_\_\_\_\_

Proposed Date of Interview: Friday, June 9, 2006 Proposed Time: 2:00 ET (AM) **(PM)**

**Type of Interview Requested:**

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☐ NO

If yes, provide brief description: \_\_\_\_\_

### Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>102 Rej.</u>	<u>13, 16-18</u>	<u>Art Zimmer (2004/0103272)</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>103 Rej.</u>	<u>1-23</u>	<u>Various</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Continuation Sheet Attached					

**Brief Description of Arguments to be Presented:**  
 Please see the attached agenda.

An interview was conducted on the above-identified application on \_\_\_\_\_.

**NOTE:** This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant/Applicant's Representative Signature

Betty Formby

Typed/Printed Name of Applicant or Representative

36,536

Registration Number, if applicable

Examiner/SPE Signature

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 123 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application: Lee

Serial No.: 10/687,234

Filed: October 16, 2003

For: Improved Technique for System  
Initial Program Load or Boot-Up of  
Electronic Devices and Systems§  
§  
§  
§  
§  
§  
§  
§  
§

Group Art Unit: 2116

Examiner: Rahman, Fahmida

Attorney Docket No.: AUS920030325US1

**AGENDA FOR TELEPHONE INTERVIEW**

Examiner:

We have a telephone interview scheduled for tomorrow, June 9, 2006, at 2PM EDT (1PM CDT). The following pages include a proposed amendment to claim 13 and a new claim 25. The claims are directed to solving the problem discussed in the paragraph on page 5 that begins "*These types of instruction and data prefetching ...*".

The solution is both hardware and software related, as I have attempted to convey in the claims. I think that the device claims show this best, but I will be amending the method and computer program claims similarly. Zimmer appears to be the closest art, but does not disclose the specific reasons why one would arrange to turn on instruction caching in the claimed manner.

I look forward to our telephone conference tomorrow. The Examiner is invited to call at the below-listed telephone number to confirm or reschedule the requested telephone interview.

---

Betty Formby  
Reg. No. 36,536  
Yee & Associates, P.C.  
P.O. Box 802333  
Dallas, TX 75380  
(972) 385-8777  
AGENT FOR APPLICANT

13. (Currently amended) An apparatus comprising:  
a processor,  
a first memory, which is organized as a plurality of pages, and a second memory, wherein the processor does not support instruction caching when reading from the first memory;  
comprises  
initialization code including a first portion and a second portion, the ~~first portion~~  
initialization code having  
instructions, executable from the first memory, for copying the first portion into the second memory,  
instructions, executable from the first memory, for enabling instruction caching for the processor, wherein the instructions for enabling instruction caching are at the end of a first page and the first page is followed by a second page that is un-initialized, such that the processor disables instruction caching for the second page that is un-initialized,  
instructions, executable from the first memory, for transferring execution control to execute from the second memory, and  
instructions, executable from the second memory, for copying the second portion into a third memory.
25. (New) A device comprising:  
a non-volatile memory containing initialization code, the non-volatile memory being organized as a plurality of pages, wherein the initialization code is stored in the non-volatile memory such that a first instruction to enable instruction caching is stored at the end of a first page in the non-volatile memory and the first page is followed by a second page that is non-initialized;  
a cache memory;  
a system memory; and  
a processor, connected to the non-volatile memory, the cache memory and the system memory, wherein the processor hangs if instruction caching is attempted when executing from the first memory;  
wherein the initialization code is first executed from the non-volatile memory while a first portion of the initialization code is copied to the cache memory, the initialization code is next executed from the cache memory while a second portion of the initialization code is copied to the system memory, and the initialization code is finally executed from the system memory;  
wherein the storage location of the first instruction allows instruction caching to be software-enabled from the non-volatile memory but be hardware inhibited until execution passes from the non-volatile memory to the cache memory.